

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARCUS DION BROOKING,

No. 3:15-CV-02134

Plaintiff,

(Judge Brann)

v.

SERGENT CLEAVER,

Defendant.

**ORDER**

**AND NOW**, this 9<sup>th</sup> day of June 2020, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Joseph F. Saporito, Jr. (Doc. 37) is **REJECTED**.
2. Plaintiff Marcus Brooking's opposition to Defendant's motion for summary judgment (Doc. 38, Exhibits C and D) are deemed to have been timely filed.
3. This case is remanded back to Magistrate Judge Saporito for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann  
United States District Judge